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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/712,857	11/12/2003	Matthew Ruhlen	60001.0258USC1	8645
7590 12/02/2008 MERCHANT & GOULD P.C. P.O. Box 2903 Minneapolis, MN 55402-0903				
EXAMINER KANG, PAUL H				
ART UNIT 2444		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/712,857

Applicant(s)

RUHLEN, MATTHEW

Examiner

Paul H. Kang

Art Unit

2444

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 August 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-56, 58-61 and 63-69 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-17, 29-52 and 63-69 is/are allowed.
- 6) ☒ Claim(s) 18-28, 53, 54, 56-59 and 61 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Allowable Subject Matter

1. Claims allowed.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 18-28, 53-54, 56-59, and 61 are rejected under 35 U.S.C. 103(a) as being unpatentable over McNeely, US Patent Application No. US 2002/0069222 A1..
4. As to claims 18 and 58, McNeely teaches a method and computer program product for abstracting links to electronic resources in a network environment, the method comprising:
 - (a) retrieving from storage a first electronic resource, the first electronic resource comprising a reference to a second electronic resource within the network environment (§§ 0010, 0030);
 - (b) examining the first electronic resource to locate a link tag corresponding to the reference, wherein the link tag comprises a link identifier associated with a network location for the second electronic resource and an executable routine for identifying a unique address for the network location (§§ 0010, 0032-0041);

(c) in response to locating the link tag, executing the routine to identify the unique address (¶¶ 0030-0041); and

(d) incorporating the identified unique address into the first electronic resource (¶ 0041). However, McNeely does not explicitly teach before transmitting the first electronic resource to a client, examiner the first electronic resource. The prior art teaches performing this step at the client. The Examiner takes Official Notice (see MPEP § 2144.03) that performing various steps on a server in a computer networking environment was well known in the art at the time the invention was made and would have the yielded predictable result of centralizing the function. The Applicant is entitled to traverse any/all official notice taken in this action according to MPEP § 2144.03, namely, "if applicant traverses such an assertion, the examiner should cite a reference in support of his or her position". However, MPEP § 2144.03 further states "See also In re Boon, 439 F.2d 724, 169 USPQ 231 (CCPA 1971) (a challenge to the taking of judicial notice must contain adequate information or argument to create on its face a reasonable doubt regarding the circumstances justifying the judicial notice)." Specifically, In re Boon, 169 USPQ 231, 234 states "as we held in Ahlert, an applicant must be given the opportunity to challenge either the correctness of the fact asserted or the notoriety or repute of the reference cited in support of the assertion. We did not mean to imply by this statement that a bald challenge, with nothing more, would be all that was needed". Further note that 37 CFR § 1.671(c)(3) states "Judicial notice means official notice". Thus, a traversal by the Applicant that is merely "a bald challenge, with nothing more" will be given very little weight.

5. As to claims 19 and 59, McNeely teaches a method and computer program product wherein the retrieving act (a) is performed in response to receipt of a request for delivery of the first electronic resource to the client computer, the method further comprising:

(e) transmitting the first electronic resource with the identified unique address incorporated therein to the client computer (§¶ 0010, 0041-0042).

6. As to claims 20 and 60, McNeely teaches a method and computer program product wherein the incorporating act (d) comprises: replacing the link tag with a reference tag specifying the identified unique address (§¶ 0032-0041).

7. As to claims 21, McNeely teaches a method further comprising:

(e) defining an index comprising a plurality of link identifiers, wherein each of the plurality of link identifiers corresponds to an electronic resource maintained within the network environment (§¶ 0030-0035); and

(f) mapping each of the plurality of link identifiers defined in the index to an address information entry for use in identifying a unique address in the network environment where each of the electronic resources corresponding to one of the plurality of link identifiers is stored (§¶ 0030-0031, 0032-0041).

8. As to claim 22, McNeely teaches a method wherein the executing act (c) comprising (c)(1) extracting the link identifier from the link tag (§¶ 0035-0039); and

(c)(2) referencing the index with the extracted link identifier to locate the address information entry mapped to the extracted link identifier, wherein the located address information entry is used by the executed routine to identify the unique address specifying the storage location on which the second electronic resource is stored (§§ 0030-0031, 0032-0041).

9. As to claim 23, McNeely teaches a method wherein each of the unique addresses associated with one of the plurality of link identifiers comprises a first portion and a second portion, the first portion of each unique address being a particular domain name representing a server computer in the network environment on which electronic resources are stored and the second portion of each unique address being a directory path specifying a location on which a particular electronic resource is stored on the server computer corresponding to the domain name (§§ 0036-0040, 0045-0048).

10. As to claim 24, McNeely teaches a method wherein each address information entry comprises a service class identifying a particular server computer addressed by a particular domain name in the network environment, wherein the referencing act (c)(2) comprises:

referencing the index with the extracted link identifier to determine the service class mapped thereto and using the determined service class to identify the particular domain name corresponding to the first portion of the unique address of the second electronic resource (§§ 0030-0031, 0032-0041).

11. As to claim 25, McNeely teaches a method wherein each address information entry further comprises the directory path corresponding to a specific location on the particular server computer corresponding to the particular domain name, wherein the referencing act (c)(2) further comprises:

referencing the index with the extracted link identifier to determine the directory path mapped thereto and appending the directory path to the particular domain name identified as corresponding to the first portion of the unique address of the second electronic resource, thereby completing identification of the unique address of the second electronic resource (§§ 0030-0031).

12. As to claim 26, McNeely teaches a method wherein the defining act (e) comprises
(e)(1) creating a link source file defining each of the plurality of link identifiers as being associated with an address information entry (§§ 0030-0031); and

(e)(2) compiling the link source file to yield the index and an associated data structure referenced by the index, wherein the associated data structure stores the service classes and the directory paths making up each address information entry in connection with an index pointer specified in the index for each of the plurality of link identifiers (§§ 0032-0041).

13. As to claim 27, McNeely teaches a method wherein at least one of the unique addresses further comprises a query string of search parameters (§ 0031).

14. As to claims 28 and 61, McNeely teaches a method and a computer program product wherein the examining, executing and incorporating acts are repeated for each link tag declared

in the first electronic resource (§§ 0010, 0030).

15. As to claim 53, McNeely teaches a method for preparing electronic resources for delivery to client computers in a network environment, the method comprising:

- (a) receiving a request for delivery of a first electronic resource to a first client computer (§ 0010);
- (b) retrieving from storage the first electronic resource (§§ 0030-0031);
- (c) examining the first electronic resource to determine whether the first electronic resource includes a link identifier corresponding to a second electronic resource being referenced as a link within the first electronic resource (§§ 0010, 0032-0041);
- (d) if a link identifier is detected within the first electronic resource, using the link identifier to identify a unique address specifying a storage location in the network environment on which the second electronic resource is stored (§§ 0010, 0032-0041);
- (e) incorporating the identified unique address into the first electronic resource to generate a prepared first electronic resource (§ 0041); and
- (f) transmitting the prepared first electronic resource to the first client computer to effectuate delivery of the electronic resource thereto (§§ 0010, 0032-0042).

16. As to claims 54, McNeely teaches a method and a computer program product wherein the link identifier is included within a link tag declared within the first electronic resource, the incorporating act (e) comprising:

replacing the !ink tag with a reference tag specifying the identified unique address (¶¶0032-0041).

17. Claims 56-57 recite the same limitations as claims 21-26, therefore claims 56-57 is rejected under the same rationale.

Response to Arguments

18. Applicant's arguments with respect to claims 1-69 have been considered but are moot in view of the new ground(s) of rejection. The applicants argued in substance that the prior art fails to teach "before transmitting the first electronic resource to a client, examining the first electronic resource..." The new grounds of rejection teaches this feature.

Conclusion

19. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul H. Kang whose telephone number is (571) 272-3882. The examiner can normally be reached on IFP.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Vaughn can be reached on (571) 272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Paul H Kang/
Primary Examiner
Art Unit 2144